



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 19, 2019

Mr. Matthew Hoppock
MuckRock News
DEPT MR 60193
411A Highland Avenue
Somerville, MA 02144-2516
60193-40367055@requests.muckrock.com

Re: DOJ-2019-001823
DRH:ERH

Dear Mr. Hoppock:

While processing your Freedom of Information Act (FOIA) request dated August 31, 2018, for records containing the term "Bermudez Cota," the Executive Office for Immigration Review (EOIR) located one page of material which it referred to this Office for processing and direct response to you. The EOIR administrative tracking number for this request is 2018-48279. For your information, this material was received in this Office on December 20, 2018.

I have determined that the material referred by EOIR is appropriate for release without excision, and a copy is enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552 (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an

appeal through OIP's FOIAonline portal at <https://foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with a small "DR" monogram at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosure

From: [Hamilton, Gene \(OAG\)](#)
To: [Engel, Steven A. \(OLC\)](#); [Harris, Sarah \(OLC\)](#); [Gannon, Curtis E. \(OLC\)](#); [Stewart, Scott G. \(CIV\)](#); [McHenry, James \(EOIR\)](#); [Hardy, Liam P. \(OLC\)](#); [Kneedler, Edwin S \(OSG\)](#); [Liu, Frederick \(OSG\)](#)
Subject: FW: BIA publishes Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)
Date: Friday, August 31, 2018 1:27:06 PM

FYI—post *Pereira* decision out of the Board just came out

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: U.S. Department of Justice <usdoj@public.govdelivery.com>
Sent: Friday, August 31, 2018 1:08 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
Subject: BIA publishes Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)

Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)

A notice to appear that does not specify the time and place of an alien's initial removal hearing vests an Immigration Judge with jurisdiction over the removal proceedings and meets the requirements of section 239(a) of the Immigration and Nationality Act, 8 U.S.C. § 1229(a) (2012), so long as a notice of hearing specifying this information is later sent to the alien. *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), distinguished.

Full decision, <https://www.justice.gov/eoir/page/file/1091146/download>



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